

United States District Court
Eastern District of California

Kenneth I. Edmonton,
Petitioner,
vs.
State of California,
Respondent.

No. Civ. S 04-2578 LKK PAN P
Order

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Petitioner, a state prisoner without counsel, seeks leave to proceed in forma pauperis in habeas corpus proceedings. See 28 U.S.C. § 2254. Petitioner has made the showing required to proceed in forma pauperis. See 28 U.S.C. § 1915(a)(1).

Upon review of an application for a writ of habeas corpus, a judge must either grant the writ or issue an order directing the respondent to show cause why it should not be granted unless it appears from the application that the applicant or person detained is not entitled to relief. 28 U.S.C. § 2243.

1 Petitioner may be entitled to relief if he proves his
2 allegations.

3 It is therefore ordered that:

4 1. Petitioner's request to proceed in forma pauperis is
5 granted.

6 2. Respondent shall file and serve an answer or motion
7 responding to the application within 60 days from the date of
8 this order. See Rule 4, Fed. R. Governing § 2254 Cases. An
9 answer shall be accompanied by any and all transcripts or other
10 documents relevant to the determination of the issues presented
11 in the application. See Rule 5, Fed. R. Governing § 2254 Cases.

12 3. If the response is an answer, petitioner's reply, if
13 any, shall be filed and served within 30 days of service of an
14 answer.

15 4. If the response is a motion, petitioner's opposition or
16 statement of non-opposition shall be filed and served within 30
17 days of service of the motion. Respondent shall have 15 days to
18 file and serve a reply to any opposition.

19 5. The Clerk of the Court shall serve a copy of this order
20 together with a copy of petitioner's application for a writ of
21 habeas corpus on Jo Graves, Senior Assistant Attorney General.

22 So ordered.

23 Dated: April 19, 2005.

24 /s/ Peter A. Nowinski
25 PETER A. NOWINSKI
26 Magistrate Judge